

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 20, 2008

D053355 In re Elizabeth S. et al., Juveniles

The appeal is dismissed. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

D053456 In re Kobe on Habeas Corpus

The petition is denied.

D053311 People v. Sucgang

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D052205 Flores v. Prime Time Products Inc., et al.

The judgment is reversed and the matter is remanded with directions that the trial court: (1) vacate its October 16, 2003, order granting Defendants' petition to compel arbitration and staying the proceedings pending completion of arbitration; (2) issue a new order denying Defendants' petition to compel arbitration and stay the proceedings; (3) vacate its October 25, 2007, judgment confirming the arbitration award and order imposing sanctions on Flores; and (4) restore this matter to its civil litigation calendar for further proceedings consistent with this opinion. Flores is awarded his costs on appeal. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

D053331 Dodson v. Imperial County Superior Court/People

Let a writ issue directing the superior court to vacate that portion of its order of June 12, 2008 regarding Correctional Officer Sustaita, and to enter a new order consistent with this opinion. The stay issued by this court on September 23, 2008, will be vacated when this opinion is final as to this court. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D053313 People v. Jones

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal Rules of Court, rule 9.316.)

D053399 Blehm et al. v. DC Shoes et al.

Respondents' unopposed request for judicial notice is GRANTED. Respondents' unopposed motion to dismiss the appeal as untimely has been read and considered by Presiding Justice McConnell and Associate Justices Benke and McDonald. The appeal filed on July 2, 2008, is DISMISSED.

D053625 In re Allen on Habeas Corpus

The petition is denied.

D053677 Saldana v. Superior Court of Imperial County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 21, 2008

D053681 In re Guzman on Habeas Corpus

The petition is denied.

D052782 In re Ybarra on Habeas Corpus

The petition is denied.

D052983 People v. Berryhill

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

D053723 In re Woods on Habeas Corpus

The petition is denied.

D052809 People v. Johnson

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D051120 New et al. v. Kroeger et al.

The judgment is reversed. The court is directed on remand to enter judgment in favor of the plaintiffs. Plaintiffs shall recover their costs on appeal. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D051068 People v. Shack

D053440 In re Shack on Habeas Corpus

The pending petition for writ of habeas corpus, In re Shack (D053440) is consolidated with the pending appeal, People v. Shack (D051068).

D051068 People v. Shack

D053440 In re Shack on Habeas Corpus

The judgment is reversed and the matter is remanded with directions to the trial court to allow Shack to withdraw his plea and for further proceedings consistent herewith. The petition is dismissed as moot. McIntyre, J. We Concur: McConnell, P.J., Nares, J.

D053122 In re Erika S., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Haller, J.

D053902 San Diego County Health and Human Services Agency v. The Superior Court of San Diego County/Samuel G. Jr., et al.

The petition is denied.

D053369 People v. Pringle

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 22, 2008

D052097 In re Destiny D., a Juvenile

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Irion, J.

D051096 People v. Shaya

The opinion filed October 3, 2008, is ordered modified (No change in judgment).

D053418 In re M. B. et al., Juveniles

Upon filing an abandonment of appeal, personally signed by the appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.762(b)).

D053844 Borwn v. Superior Court of Imperial County/People

At the request of petitioner, the petition for writ of mandate is dismissed.

D053785 In re Garcia on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 23, 2008

D052959 In re Antonio G. et al., a Juvenile

The order is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Aaron, J.

D053334 In re Riselle E., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

D050933 Christie v. The City of El Centro

The judgment is reversed as to all causes of action except for the malicious prosecution claim and claimed violations of Christie's First, Fifth, Eighth and Fourteenth Amendment rights, which are affirmed. Each side shall bear their own costs on appeal. Nares, J.;
We Concur: Benke, Acting P.J., McIntyre, J.

D049585 People v. Becker

The judgment is affirmed as to guilt and reversed as to the sentence. At resentencing, Becker shall be represented by counsel.
Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D051594 Masterson v. Robbins Research International Inc., et al.

The order is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Irion, J.

D051978 People v. Spencer

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., Irion, J.

D050387 People v. Caesar et al.

Caesar's conviction on count 2 shall be reduced to a conviction for attempted unpremeditated murder, and the trial court shall resentence Caesar accordingly. In all other respects, the judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION
Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

D052016 Loomis v. Bert Purdy & Associates

Summary judgment is affirmed. Costs are awarded to Purdy. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D051460 Woodall v. Teeter

The petition for rehearing is denied.

D053899 Christensen et al. v. Superior Court of San Diego County/Gil-Hernandez

The petition is denied.

D053102 In re Aaliyah J. et al., Juveniles

Due to clerical error, the second sentence of the second paragraph of page 2 is corrected to read:

"The petition alleged Aaliyah had witnessed violence between her father and stepmother."

Please incorporate this correction into your copy of the opinion.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 24, 2008

D052172 People v. Damian

D052289 People v. Damian

(Consolidated) The judgments are affirmed. Aaron, J.; We Concur: Haller, Acting P.J., Irion, J.

D052996 San Diego County Health and Human Services Agency v. Timothy C.

The appeal is dismissed. Benke, Acting P.J.; We Concur: Huffman, J., Aaron, J.

D051505 People v. Stier

The judgment is reversed. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

D051032 Clymer et al. v. Pickford Realty, LTD. et al.

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

D053208 San Diego Police Officers Association v. City of San Diego

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D053637 In re Thigpenn on Habeas Corpus

The petition is denied.

D053787 In re Gonzales on Habeas Corpus

The petition is denied.

D053766 In re Bell on Habeas Corpus

The petition is denied.

D053930 Suarez v. Superior Court of Imperial County/People

The petition is denied.